

Honorable Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Sethy v. Victoria's Secret Stores, LLC*, No. 1:23-cv-3452

Dear Judge Abrams:

In accordance with the Court's March 6, 2024, the parties write to advise the Court on their position on whether the Court should issue a revised briefing schedule to address the New York Appellate Division, First Department's decision in *Grant, et al. v. Global Aircraft Dispatch, Inc.*

As noted in the parties' prior correspondence, the court in *Grant* reached the opposite conclusion from the First Judicial Department in *Vega v. CM & Assoc. Constr. Mgt., LLC* and held that New York Labor Law does not provide for a private right of action for violations of NYLL § 191 claims for failure to pay manual workers on a weekly basis. As far as the parties are aware, *Grant* and *Vega* are the only two intermediate appellate courts to rule on this issue and the New York Court of Appeals has not addressed the matter. As such, the parties expect that the decision in *Grant* will be appealed to the New York Court of Appeals and understand that the plaintiff in *Grant* has sought reconsideration or, in the alternative, leave to appeal.

Given the impact a New York Court of Appeals decision on this issue would have on the case, the parties request to extend the stay of this case for 60 days to determine the status of a *Grant* appeal. Judge Marrero recently stayed a similar case pending a potential appeal in *Grant*. See *Urena v. Sonder USA Inc.*, Case No. 1:22-cv-07736-VM, Order (Mar. 28, 2024).

For these reasons, the parties jointly request a continuance of the present stay for sixty (60) days to assess whether an appeal will proceed. The parties are also amenable to participating in a status conference with the Court on this matter. As the parties agree in their positions, they also request that the April 5, 2024 conference with the Court be held remotely.

Respectfully, Josef Nussbaum
Counsel for Plaintiff Adam J. Rocco
Counsel for Defendant

Application granted. The stay is hereby continued until June 3, 2024. By June 3, 2024, the parties shall provide an update on the status of any appeal in *Grant*. The conference currently scheduled for April 5, 2024 is hereby adjourned to Friday, June 7 at 2:00 p.m. Unless the parties express a preference otherwise, the conference will be held via teleconference. Call-In Number: (888) 363-4749; Access Code: 1015508#. SO ORDERED.



Hon. Ronnie Abrams
U.S. District Judge
April 1, 2024